

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 403 - SB 683

March 9, 2009

SUMMARY OF BILL: Expands the list of persons prohibited from taking depositions to include a person who is having or has had, within the prior two years, a sexual relationship with a party or a party's lawyer. States a deposition would be voidable by either party within 30 days of the discovery that a prohibited person took a deposition.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – Not Significant

Assumptions:

- Under current law, if a deposition is taken by a party to the action; relative, employee, or attorney of one of the parties; someone with a financial interest in the outcome; or a relative, employee, or attorney of someone with a financial interest in the outcome the deposition is void.
- Private court reporters are utilized in civil matters and the cost is paid by the parties in the matter. If a state court reporter in a criminal case was prohibited from taking a deposition under this bill, a contract court reporter would be retained to take the deposition. Any increase in costs for the state judicial system is estimated to be not significant.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in cursive script, reading "James W. White".

James W. White, Executive Director

/lsc